

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM JOHN DIEHL,

Defendant.

Case No. CR05-5238RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motions for Return of Property [Dkt. #s 79, 81]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The defendant is currently prosecuting an appeal, and because he is on appeal, the government has no obligation to return the evidence seized from him. *See, United States v. Fitzer*, 80 F.3d 387, 388 (9th Cir. 1996). As for his request that his former and current counsel provide him documents to aid in his appeal, this Court has previously denied this request. [Order, Dkt. #77]. Therefore, defendant's motions [Dkt. #s 79, 81] are **DENIED**.

IT IS SO ORDERED.

Dated this 5th day of March, 2008.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE